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APPLICATION DENIED WITHOUT PREJUDICE. Below, defendant requests an extension of time to answer, move, or otherwise respond to the complaint because the complaint plaintiff filed on the docket and served on defendant does not include a complete version of "an Attachment entitled 'Facts.'" However, this Attachment has been docketed by the Clerk. (See Doc. #9). Accordingly, given plaintiff's pro se nature, the Court construes the Attachment A included in Doc. #9 as a part of the complaint.

Defendant's time to answer, move, or respond to the complaint is 7/23/2020.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

SO ORDERED:



Vincent L. Briccetti, U.S.D.J. 7/6/2020

Via ECF

Hon. Vincent Briccetti, United States District Court Judge
United States District Court, Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: **Melton v. Poughkeepsie CSD, Index No. 19 CV 09755 (VB);**
Letter Motion to Extend Time to Answer or Move

Dear Judge Briccetti:

This office represents defendant Poughkeepsie City School District in the above-referenced action brought by *pro se* plaintiff Carol Melton. I have filed a notice of appearance in this action.

A Summons and form Complaint in this action was served upon the Defendant on June 23, 2020. However, the Complaint so served, at an Attachment entitled "Facts" thereto, was missing one or more pages. Upon review of the Complaint filed with the Court, the same pages appeared to be missing. I thereupon contacted the *pro se* Plaintiff to advise her of this defect on June 29, 2020, and during the night of July 1, 2020, the Plaintiff advised me that "[t]he corrected document was sent to the Pro Se unit on Monday, June 30, 2020." As of this date, however, no corrected or amended Complaint has been filed with the Court or served upon me or the Defendant.

I contacted the Plaintiff this morning, requesting her consent to extend the Defendant's time to answer or move until 21 days after a corrected or amended Complaint is filed via ECF with the Court. While the Plaintiff has consented to so extend our time to answer such a corrected or amended Complaint, she declines to consent to extend our time to move as concerns such a corrected or amended Complaint. As the Defendant is unable to determine whether an answer or motion is the most

appropriate response to the corrected or amended Complaint until such time as said corrected or amended Complaint is filed, by this letter, the Defendant requests that the Court extend its time to answer or move as concerns the corrected or amended Complaint for 21 days following the filing of the corrected or amended Complaint

Thank you for your consideration of this request.

Very truly yours,

SHAW, PERELSON, MAY & LAMBERT, LLP

BY: /S/
MARK C. RUSHFIELD, ESQ.

MCR/hs

cc: Carol Melton – ***Via Email***
Dr. Eric Jay Rosser, Supt. of Schools – ***Via email***
Alyson Birdie, Claims Counsel – ***Via email***